

United States District Court

DISTRICT OF

MA

UNITED STATES OF AMERICA

v.

ORDER SETTING CONDITIONS OF RELEASE

Donald Bing McIlvray
Defendant

Case Number: 04-10166-RGS

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear at (if blank, to be notified) _____

Place

on _____

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (☒) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- (☒) (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of twenty five thousand dollars (\$ 25,000) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:

(Name of person or organization) _____

(Address) 239 Pangloss St

(City and state) Brighton MA (Tel. No.) _____

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed Donald Bing McElroy

Custodian or Proxy

Defendant

- (☒) (7) The defendant shall:

☒ (a) maintain or actively seek employment.

() (b) maintain or commence an educational program.

() (c) abide by the following restrictions on his personal associations, place of abode, or travel:

Remain at residence. Travel restricted to
Maine, New Hampshire, Massachusetts

() (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:

☒ (e) report on a regular basis to the supervising officer.

() (f) comply with the following curfew: _____

☒ (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.

☒ (h) refrain from excessive use of alcohol.

☒ (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.

() (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows: _____

☒ (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property \$25,000.00 unsecured bond

() (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money: _____

() (m) execute a bail bond with solvent sureties in the amount of \$ _____

() (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling, or the following limited purpose(s): _____

☒ (o) surrender any passport to trial by 11/10/04

☒ (p) obtain no passport.

☒ (q) submit to urine analysis testing upon demand of the supervising officer.

() (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.

() (s) submit to an electronic monitoring program as directed by the supervising officer.

☒ (t) if arrested notify Pretrial Services w/in 24 hrs.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND

A violation of any of the foregoing conditions of release may result in immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of any crime while on pre-trial release may result in an additional sentence to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to five years of imprisonment, and a \$250,000 fine or both to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court, or to obstruct a criminal investigation. It is also a crime punishable by up to ten years of imprisonment, a \$250,000 fine or both, to tamper with a witness, victim or informant, or to retaliate against a witness, victim or informant, or to threaten or attempt to do so.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgement of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Donald Gus McGee
Signature of defendant
239 Parsons St.
Address
Brighton MA
City and State Telephone

Directions to United States Marshal

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: Nov. 9, 2004

Marianne B. Bowler USMJ
Signature of Judicial Officer
MARIANNE B. BOWLER
UNITED STATES MAGISTRATE
Name and Title of Judicial Officer